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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/783,333      | 02/20/2004  | Richard A. Clark     | 20674.0005          | 6893             |

7590 08/13/2004

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| EXAMINER |
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DATSKOVSKIY, MICHAEL V

|          |              |
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| ART UNIT | PAPER NUMBER |
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2835

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/783,333

**Applicant(s)**

CLARK ET AL.

**Examiner**

Michael V Datskovskiy

**Art Unit**

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-24, 46--57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 50-57 is/are allowed.
- 6) ☐ Claim(s) 22-24 and 46-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims have been renumbered as follows: [47] to 51; [48] to 52; [49] to 53; [50] (second one) to 54; [51] to 55; [52] to 56 and [53] to 57.

2. The following rejection is based on the assumption that, while the parent application claimed particular patentable structural limitations, part of the current application's claims are broad and mostly comprise a list of devices specific for a mobile computer workstation well known in the art. For example: A structure claimed by a first independent claim 22 could be interpreted as a wheeled card and a portable computer (laptop), usually comprising a tiltable display, an input device – a keyboard, a rechargeable power unit – a battery, and now days certainly wireless features. As for further claimed monitoring or medical devices supported by a wheeled chassis, the specification does not include any specific description of such devices (neither their structures nor their medical use). Therefore claiming them as parts of a workstation comes to claiming an intending use of said workstation, which is not patentable.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Mahany et al.

Mahany et al teach a mobile computer workstation, Figs.6-7, for use with a computer network, comprising: a computing device 105; a radio transceiver connected to the computer device 105; an input device 102; a tiltable display 101; a power unit 107 for supplying power to the computing device 105; all being mounted on a wheeled chassis 96.

5. Claims 22-24 and 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Coulthard.

Coulthard teaches a mobile computer workstation, Figs.1-20, for use with a computer network, comprising: a computing device (a portable computer having a tiltable display); a radio transceiver connected to the computer device; an input device (a keyboard of said portable computer); a power unit 4 for supplying power to the computing device; all being mounted on a wheeled chassis 7. Coulthard teaches furthermore said power unit

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being rechargeable battery connectable to an AC power source and comprising a power cord storage retractable assembly (Fig.4) for retracting the power cord to connect to the AC power source. Regarding to the claims 46 and 47: It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (in this case as a medical device or a monitoring device) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 1647 (1987).

***Allowable Subject Matter***

6. Claims 50-57 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: A mobile workstation comprising a tiltable computer docking station.

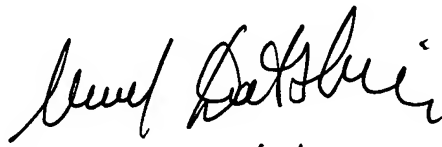
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Case (US Patent 5,630,566); Sweere et al (US Patent 5,918,841) and Matsumoto (US Patent 6,125,028).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



08/11/04

Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835